

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
New Part 4 of the Commission's)	
Rules Concerning Disruptions to)	ET Docket No. 04-35
Communications)	
)	

REPLY COMMENTS OF SBC COMMUNICATIONS INC.

SBC Communications Inc., on behalf of its affiliates (collectively SBC), respectfully submits the following comments in response to the BellSouth Corporation Petition for Reconsideration and/or Clarification (BellSouth PFR) of the Report and Order in the above-referenced docket¹ and the Comments of the Alliance for Telecommunications Industry Solutions (ATIS Comments) filed in response to the BellSouth PFR. In short, SBC supports the recommendations made by BellSouth regarding outage reporting metrics for non-intelligent network elements. Specifically, that outages on non-intelligent network outages be reported when an outage: “(1) affects 600 or more cable or derived pairs and (2) lasts longer than five calendar days after discovery as a reportable outage.”²

The first prong of the BellSouth recommendation provides a reasonable metric for outage reporting on non-intelligent network elements that will supply the Commission with the type of information it anticipated receiving under the new rules without unduly burdening the industry. As BellSouth aptly highlighted in its PFR, non-intelligent network elements “do not utilize telephone number data to route calls”³ and, therefore, do not hold the type of information

¹ *New Part 4 of the Commission's Rules Concerning Disruptions to Communications*, ET Docket No. 04-35, *Report and Order and Further Notice of Proposed Rulemaking*, 19 FCC Rcd 16830 (2004) (“*Report and Order*” and “*FNPRM*”).

² BellSouth PFR at 7.

³ *Id* at 5.

necessary to ascertain, directly from the facilities, the affected “user minutes” required under the new outage reporting rules. Further, as both BellSouth and ATIS made clear, in order to accurately assess the “user minutes” affected by an outage of a non-intelligent network element, carriers will have to use either an extremely resource-intensive and time-intensive manual process, or will have to engage in costly modifications to existing systems. Neither of which is justified when the Commission can obtain the information it desires through less burdensome means.

Moreover, as ATIS points out, applying the user-minute threshold to non-intelligent network elements “would run counter to the Commission’s own Paperwork Reduction Act of 1995 analysis.”⁴ ATIS noted that the Commission stated in its *Report and Order* “[v]irtually every telecommunications provider, in the ordinary course of business, collects this type of information for its own use in order to operate and maintain its network.”⁵ SBC, however, like BellSouth and other wireline carriers, does not collect the type of information necessary to determine “user minutes” on non-intelligent network elements in the ordinary course of business. And, as ATIS firmly stated, requiring wireline carriers to go to extraordinary measures for what will likely result in few reportable events “would do little to augment the accurate assessment of communications outages yet would burden the industry with substantial labor costs and result in lost productivity.”⁶ SBC wholeheartedly agrees.

In addition, as BellSouth described, many non-intelligent network elements, such as feeder cables, are passive elements incapable of electronic failure and, therefore, “not equipped with alarm devices and not monitored at a company-wide level.”⁷ As a technical planning and

⁴ ATIS Comments at 5.

⁵ *Id.*

⁶ *Id.* at 6.

⁷ BellSouth PFR at 5.

standards development organization, ATIS' support of this statement suggests that this is, essentially, the industry standard for these types of network elements. And ATIS further notes that "[o]utages involving these elements are usually identified manually, through customer reports or visual sightings."⁸

The lack of alarm capability and lack of a need to continuously monitor these facilities necessitates the second prong of the BellSouth proposal, that an event becomes reportable five days after discovery that it meets the first prong of the test. SBC agrees that since these non-intelligent network elements do not have alarms, the event should not be triggered as an outage until it is discovered. And, while many of these types of outages will be repaired long before five days have lapsed, five days is a reasonable reporting threshold, allowing carriers to focus their efforts on their primary responsibility...repairing the outage.

SBC, therefore, respectfully submits these reply comments in support of BellSouth's proposal that outages involving non-intelligent network elements become reportable only if: (1) they affect 600 or more cable or derived pairs; and (2) they last more than five calendar days after discovery.

Respectfully Submitted,

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⁸ ATIS Comments at 4.